

REMARKS

Claims 1-66 were pending in the current application. Applicants have amended claim 1, cancel herewith claims 51-62, and have added new claims 67-74.

Election

Groups

Applicants hereby elect Group I, claims 1-51 and 63-66, without traverse.

Species

The Office Action presents two Groups of inventions, and Applicants make the foregoing election based on these two Groups.

The Office Action goes on to further state that in addition to these two Groups, the application contains claims allegedly directed to nine separate patentably distinct species. Office Action, p. 3. Applicants traverse this further restriction requirement.

Applicants take issue with this apparently arbitrary selection of nine Figures from the present application. While the embodiments presented in these figures differ from one another, further embodiments are disclosed (e.g. FIG. 10) that are not identified as a Species. It is simply unclear why the enumerated embodiments and Figures are alleged to be patentably distinct species and a further election is required beyond the two Groups presented. Such an arbitrary designation of species places Applicants at a disadvantage of having to correlate all claims contained in Group I specifically with only the embodiments shown in those Figures.

In view of this arbitrary designation of species, Applicants specifically request no further species be identified beyond Species A-G and Y and Z in any subsequent Office Action, as any further designation of species will not assist in examination of the present application but will only complicate the record and place Applicants at a further disadvantage. Further, as noted in M.P.E.P. 809.02(c), any action subsequent to an election of species should include a complete action on the merits of all claims readable on the elected species. Applicants submit that this “complete

action on the merits” does not contemplate any further restriction based on a subsequent recitation of additional species.

Subject to the foregoing, Applicants provisionally elect Species E of Group I.

Applicants agree that claims 1 and 20 are generic to multiple species based on the species restriction presented, but that at a minimum, claims 1 and 20 read on Species E as defined in the Office Action.¹

Nonetheless, in provisionally electing Species E, Applicants submit that independent claims 1 and 20 are generic based on the Species listing presented. Applicants further submit that dependent claims 2-6, 8-9, 11, 13, 14, 17-19, 21-24, 27, 28, 31, 33, 34, 36-49, and 63-66 are not generic and read on provisionally elected Species E.

Applicants have cancelled claims 51-62 herewith. Should the restriction of species be upheld, Applicants note that claims 7, 10, 12, 15, 16, 25, 26, 29, 30, 32, 35, and 50 would not read on the provisionally elected Species E.

Regarding those claims newly added, Applicants submit that the independent claim 67 is generic and that the dependent claims 68-76 are not generic and read on Species E.

Applicants submit that all currently pending claims are now in form for full examination.

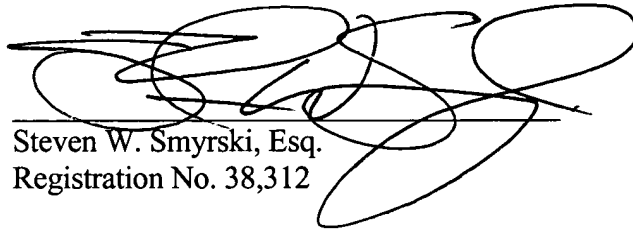
¹ Applicants note the statement at page 3 of the Office Action that Species E is “corrected over a bandwidth from 266-436 nm.” This was apparently taken from the Figure 7 description at page 10, which has been amended. The correct range is 266-800 nm.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for search and Examination. Reconsideration of the Restriction requirement and examination and consideration of all of the claims are respectfully requested and allowance of all the claims at an early date is solicited.

Applicants believe that no fees are required with the present response. Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this matter to Deposit Account 502026.

Respectfully submitted,



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